

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION	MDL NO. 1456 CIVIL ACTION: 01-CV-12257-PBS Magistrate Judge Marianne Bowler
THIS DOCUMENT RELATES TO ALL CLASS ACTIONS	

**DEFENDANT AVENTIS PHARMACEUTICALS INC.'S
MOTION FOR ENTRY OF PROTECTIVE ORDER**

Defendant Aventis Pharmaceuticals Inc. (“Aventis”) hereby moves for entry of the protective order sought by its previously filed Motion for Protective Order Under Fed. R. Civ. P. 26(C)(1), Fed. R. Civ. P. 30(a)(2)(A) and Local Rule 26.1(C) (“Motion for Protective Order”), filed with this Court on October 19, 2005. See Motion for Protective Order (Docket Entry 1792). As set forth in CMO 10 ¶ II.7, any motion for protective order must be filed “at least five working days before the scheduled deposition.” CMO 10 ¶ II.7. Any response to such a motion for protective order “shall be filed within two working days.” CMO 10 ¶ II.7.

As set forth in Aventis’ Motion for Protective Order, Plaintiffs have noticed three depositions of Aventis in excess of the ten deposition limit. The Deposition Notices of G.R. Green, Randy Colvin and John DuPont are attached hereto as Exhibit A. Aventis filed its Motion for Protective Order on October 19, 2005, five business days before the noticed deposition of G.R. Green (which the Plaintiffs scheduled for October 26, 2005). See Exhibit A. As provided by CMO 10 ¶ II.7, the return date for any response to Aventis’ Motion for Protective Order was October 21, 2005; as mandated by CMO 8, this response date was clearly

set forth in said Motion. See Motion for Protective Order at 1 n. 1. As of today, October 27, 2005, Plaintiffs have not opposed Aventis' Motion for Protective Order. As such, Aventis respectfully requests that this Court enter a protective order pursuant to Fed. R. Civ. P. 26(C)(1) and CMO 10 ¶ II.7, limiting the Plaintiffs from conducting more than ten depositions of Aventis.

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Dated: October 27, 2005

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2005, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Michael DeMarco
Michael De Marco